

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

- - -

ALISON O'DONNELL,

Plaintiff,

vs.

Case No. 1:16-cv-2450  
Judge Donald E. Nugent

UNIVERSITY HOSPITALS  
HEALTH SYSTEM, et al.,

Defendants.

- - -

DEPOSITION OF WILLIAM R. REBELLO  
Friday, August 18, 2017

- - -

The deposition of WILLIAM R. REBELLO, a Defendant herein, called for examination by the Plaintiff under the Federal Rules of Civil Procedure, taken before me, Diane M. Stevenson, a Registered Diplomate Reporter, Certified Realtime Reporter, and Notary Public in and for the state of Ohio, pursuant to notice, at The Spitz Law Firm, 25200 Chagrin Blvd., Suite 200, Beachwood, Ohio, commencing at 9:07 a.m., the day and date above set forth.

Stevenson Reporting Service, Inc.  
2197 Macon Court Westlake, Ohio 44145  
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PLAINTIFF'S  
Exhibit 17

1 A. I believe in 2009.

2 Q. Any other education?

3 A. No.

4 Q. So did you go straight from high school to  
5 undergrad and then straight to your master's?

6 A. No. Straight from high school to undergrad.  
7 Then I took probably 12, 13 years off, and then  
8 did the master's degree.

9 Q. You said 2009 for the master's?

09:19 10 A. Yes.

11 Q. I am sorry, I was thinking 1999.

12 A. Yeah.

13 Q. Okay. How long was the master's program, two  
14 years, three years?

15 A. Two years.

16 Q. Are you presently employed with UH?

17 A. Yes.

18 Q. What is your current job?

19 A. Manager of graduate medical education office at  
09:19 20 Cleveland Medical Center.

21 Q. How long have you held that position?

22 A. 15 years.

23 Q. So since 2002?

24 A. Correct.

25 Q. Is that right?

1           inpatient one, our outpatient EMR, National  
2           Patient Safety Goals, accreditation standards,  
3           so that is the first part, orientation.

4           And then the second part is a live  
5           orientation where we bring in presenters to  
6           talk about specific subjects. You know, like  
7           benefits would be one.

8           This year we did a bus tour around  
9           Cleveland to show, you know, local resources  
09:26 10          for the community. Each year we do something a  
11          little bit different depending on surveys that  
12          we do to see what residents, incoming  
13          residents, want to know.

14   Q.     Let's talk about Dr. O'Donnell. Did you know  
15           Dr. O'Donnell prior to her joining the  
16           fellowship at UH?

17   A.     No.

18   Q.     How did you first come to meet her?

19   A.     Well, she was probably at orientation, but I  
09:27 20          don't remember specifically meeting her because  
21          at these orientations there are between 100 and  
22          150 incoming residents or fellows.

23           But I do recall that she came to my office  
24           with a complaint.

25   Q.     So she was likely involved in these general

1           early orientations that all the new-hires or  
2           all the individuals would have to go through  
3           this orientation go through?

4   A.     Correct.

5   Q.     And those would be things like you talked  
6           about, accreditation, maybe some presenters,  
7           stuff about benefits, stuff like that, correct?

8   A.     Correct.

9   Q.     You don't provide any orientation specific to  
09:27 10          the fellowship, what she is going to be doing,  
11          substance-wise, in the fellowship, correct?

12   A.     No, each program does that.

13   Q.     Now, did you have any interaction with  
14          Dr. O'Donnell between potentially during one of  
15          these orientations and when she came to you  
16          with a complaint?

17   A.     Not that I recall.

18   Q.     Did she come to you with a complaint more than  
19          once or just one time?

09:28 20   A.     I believe she came to my office twice.

21   Q.     Let's talk about the first time. Do you recall  
22          when that was?

23   A.     I don't know the exact date. I thought it was  
24          sometime maybe in September of her first year  
25          in the program.

1 Q. Is your office in the same -- or I guess let me  
2 ask you this generally -- strike that.

3 Where is your office at?

4 A. I am in the Lakeside Building, sixth floor,  
5 Suite 6223.

6 Q. How did Dr. O'Donnell contact you? Did she  
7 come see you in person or did she call you on  
8 the phone?

9 A. She came in person.

09:29 10 Q. Unannounced?

11 A. Correct.

12 Q. And you were at the office that day?

13 A. Yes.

14 Q. She came to your office and had a conversation  
15 directly with you?

16 A. Correct.

17 Q. Just the two of you?

18 A. Yes.

19 Q. And tell me everything that you can recall  
09:29 20 about that first conversation.

21 A. I can't recall much. I just remember that she  
22 came to my office, she was carrying a very  
23 thick binder. She said that she was having  
24 problems in the program. It was very  
25 nonspecific at that time.

1 A. Yes.

2 Q. Did she show you anything in this binder?

3 A. She opened the binder and was just reading from  
4 it because I think she had taken notes before  
5 she wanted to meet with me.

6 Q. Did she show you anything in the binder?

7 A. I believe she pulled out some papers. It was  
8 about -- it had patient names, I believe, in  
9 it, and it had to do with times she had written  
09:31 10 notes or dictated notes, or something.

11 Q. Was one of her complaints regarding client  
12 notes or progress notes and how she was writing  
13 them versus what she was being told by the  
14 others?

15 A. I don't know if it was the substance of the  
16 note or the timing of the note. Because there  
17 is a requirement to complete your notes in  
18 timely manner, most of the time it is within 24  
19 hours.

09:32 20 Q. Do you know what the specific requirements in  
21 terms of notes were for the fellows?

22 A. No, not -- no, I don't. But, in general, the  
23 hospital requirement is within 24 hours.

24 Q. You don't know if that is what Dr. Uli or  
25 anyone else in the fellowship was requiring of

1           the fellows or not? That is just generally how  
2           it works?

3   A.     That is just a general requirement. And her --

4   Q.     Did she indicate whether she was under that  
5           requirement or some other requirement in terms  
6           of timeliness of her notes?

7   A.     Yes, I think she felt that her notes, like her  
8           notes were being done at the same time any  
9           other fellows were, but she was being told that  
09:32 10          she wasn't doing her notes at the same time as  
11          other fellows.

12   Q.     So one of the concerns, at least she expressed,  
13           was in regards to timeliness of turning in  
14           notes related to clients?

15   A.     Yes, yes.

16   Q.     Or related to patients, right?

17   A.     Yes.

18   Q.     And her complaint was that the timeliness of  
19           her notes was at least the same as the other  
09:33 20          fellows?

21   A.     Yes, it was comparable.

22   Q.     Did she talk about substance of notes at all  
23           and whether or not she was being criticized for  
24           the substance of her notes?

25   A.     She may have. I am not 100 percent certain.

1                   Maybe the -- because I can't judge the  
2                   substance of a note; I don't have any clinical  
3                   background. But I don't know if it was the  
4                   length of her notes or the detail of her note  
5                   compared to some other residents' -- or  
6                   fellows' note.

7   Q.   Was she directing her complaints, any of the  
8           complaints she made to you that day, at anybody  
9           specific, any of the physicians?

09:34 10   A.   I believe Dr. Uli.

11   Q.   Anyone else?

12   A.   Not that I can recall.

13   Q.   So she brought up the timeliness of patient  
14           notes, possibly the substance, you are not sure  
15           about that. What about -- what else did she  
16           raise as an issue?

17   A.   I believe that was it at that time.

18   Q.   How long was this meeting with Dr. O'Donnell?

19   A.   Probably less than 45 minutes, I would say.

09:34 20   Q.   Did she give you any documents to keep?

21   A.   Not that I recall.

22   Q.   Did you take any notes during this meeting?

23   A.   No, I couldn't find any notes from back then  
24           because usually I put them in her file. I  
25           pulled her file from archives when I saw the



1 subpoena, but there were no notes in there.

2 Q. What direction, if any, did you give her at  
3 this meeting in terms of her complaints, what  
4 she should do next, or anything like that?

5 A. Meet with -- I wasn't sure that she had met  
6 with the program director or anybody else in  
7 the faculty to go back and find out what they  
8 required her to do.

9 She seemed kind of confused about -- like  
09:35 10 I couldn't -- at that first meeting I didn't  
11 understand why she was there, exactly, and how  
12 I could help her at that point.

13 Q. So you directed her back to Dr. Uli?

14 A. Correct.

15 Q. What did she say when you did that? Did she  
16 reject that idea? Did she say, "Okay"?

17 A. I don't recall how she took that.

18 Q. How did she seem during the meeting? Was she  
19 combative with you? Was she talking/speaking  
09:36 20 calmly? How was her demeanor?

21 A. Yeah, she was calm. I mean, she -- all I  
22 remember was her walking in with this big  
23 binder. A lot of -- like her lab coat with a  
24 lot of papers in both pockets.

25 But she was calm. She wasn't combative.

1 conversation the second time.

2 A. She was still having problems in the program.  
3 I remember her using -- then she told me that  
4 she felt she was being discriminated against.  
5 I asked her how. And the word she kept using  
6 was "insidious," but she couldn't give me  
7 anything specific as to how she was being  
8 discriminated against.

9 Q. Did she mention her race at all during this  
09:39 10 conversation?

11 A. Yes. I mean, she said she was being  
12 discriminated against because she is African-  
13 American.

14 Q. Did she mention any medical conditions,  
15 anxiety, or anything else?

16 A. Yes. She said that she had social anxiety  
17 disorder and it was part of the American  
18 Disabilities Act.

19 Q. When did this -- you said this was about four  
09:40 20 months later. Do you know -- I think you said  
21 you think it --

22 A. I think it was --

23 Q. You think the first one was around about  
24 September of 2010 or 2011?

25 A. I thought it was 2011.

1 Q. So in terms of her saying she was being treated  
2 differently based on the fact that she was an  
3 African-American versus the other fellows, she  
4 then described that as insidious behavior and  
5 didn't give you any further specific examples  
6 of differential treatment?

7 A. Not that I can recall.

8 Q. Did she give you -- can you recall any more  
9 specific examples she gave you about  
09:42 10 differential treatment based on her race, any  
11 examples she provided?

12 A. No, not based on her race.

13 Q. And then she also mentioned that she had social  
14 anxiety disorder and referenced the ADA,  
15 correct?

16 A. Correct.

17 Q. So tell me how she -- was that the same thing;  
18 did she say, "I am being treated differently  
19 based on the fact that I have this condition"?

09:42 20 Or how did she communicate that to you?

21 A. No, she just told me that she had social  
22 anxiety disorder and that it was difficult for  
23 her in the environment that was there because  
24 of the pressure from the attendings to speak up  
25 like on rounds or on at conferences.

1 Q. Tell me, from what you can recall, what had  
2 prompted Dr. Uli to just call you, "Hey, do you  
3 have a second? I want to tell you about some  
4 performance issues that Dr. O'Donnell is  
5 having."

6 I mean, was it just out of the blue or did  
7 he preface it by saying, "Here is why I want to  
8 talk about this"?

9 A. Probably -- I am 100 percent sure it was  
10 because of the e-mail I sent asking for that  
11 job description. And I think Dr. O'Donnell  
12 already told him that she had a disability.

13 Q. Was this the first time Dr. Uli had ever  
14 communicated to you any alleged performance  
15 deficiencies that Dr. O'Donnell had in the  
16 program?

17 A. I believe so, yeah, at that point.

18 Q. Had anyone else, other than Dr. Uli, ever  
19 communicated to you that Dr. O'Donnell had  
20 performance issues in the program other than  
21 Dr. Uli up to this point?

22 A. No, I didn't know any of the other faculty.

23 Q. And you hadn't spoken with any of the other  
24 faculty about Dr. O'Donnell?

25 A. No, I didn't -- I don't know the faculty over

1 CERTIFICATE

2 State of Ohio, )  
 3 ) SS:  
 County of Cuyahoga.)


4 I, Diane M. Stevenson, a Registered  
 5 Diplomate Reporter, Certified Realtime  
 6 Reporter, and Notary Public in and for the  
 state of Ohio, duly commissioned and qualified,  
 7 do hereby certify that the within-named  
 witness, WILLIAM R. REBELLO, was by me first  
 8 duly sworn to testify the truth, the whole  
 truth and nothing but the truth in the cause  
 aforesaid; that the testimony then given by him  
 9 was by me reduced to stenotypy in the presence  
 of said witness, afterwards transcribed by  
 10 means of computer-aided transcription, and that  
 the foregoing is a true and correct transcript  
 11 of the testimony as given by him as aforesaid.

12 I do further certify that this deposition  
 was taken at the time and place in the  
 13 foregoing caption specified, and was completed  
 without adjournment.

14 I do further certify that I am not a  
 relative, employee or attorney of any party, I  
 15 am not, nor is the court reporting firm with  
 which I am affiliated, under contract as  
 16 defined in Civil Rule 28(D), or otherwise  
 interested in the event of this action.

17  
 18 IN WITNESS WHEREOF, I have hereunto set  
 my hand and affixed my seal of office at  
 19 Westlake, Ohio, the 7th day of November 2017.



25  
  
 Diane M. Stevenson, RDR, CRR  
 Registered Diplomate Reporter  
 Certified Realtime Reporter  
 Notary Public in and for  
 The State of Ohio

My Commission expires December 9, 2020.